

WASHINGTON STATE  
EXECUTIVE ETHICS BOARD  
2425 Bristol Court SW – 1<sup>st</sup> Floor Conference Room 148 – Olympia, WA

September 9, 2005  
Regular Meeting Minutes

**A. Preliminary Business**

**1. Roll Call**

The regular meeting of the Washington State Executive Ethics Board (EEB) was called to order by Chair Paul Zellinsky at 9:00 a.m. Also present were Vice Chair Trish Akana, and Members Marilee Scarbrough, Judy Golberg and Evelyn Yenson. Board staff in attendance included: Executive Director Susan Harris, Senior Assistant Attorney General Linda Moran, Assistant Attorney General Mike Tribble, Administrative Officer Ruthann Bryant and Investigator Sue Jones. Newly hired Investigator Nancy Lewin was also in attendance.

**2. Approval of Agenda**

**Motion 06-003** Moved by Chair Zellinsky, seconded by Vice Chair Akana:

**The Board approves the September 9, 2005 agenda as written.**

The motion passed unanimously.

**3. Approval of July 8, 2005 Minutes**

**Motion 06-004** Moved by Vice Chair Akana, seconded by Member Scarbrough:

**The Board approves the July 8, 2005 minutes as written.**

The motion passed unanimously.

**B. Advisory Opinions**

**1. Education and training**

Ms. Harris introduced Bill Zachmann from Department of Personnel and discussed a draft FAQ addressing the use of an agency's computer and/or internet access for training or education. Historically the opinion has been that the training must be related to current job duties, however, new civil service rules include career development plans. As a result the training may not necessarily be directly related to current duties but would enhance their future development and career opportunities beneficial to the agency.

The Board requested amending the opinion to include that the training must conform with the training and development plan and be identified and documented by the agency as such.

## **2. Use of cell phones**

Ms. Harris presented a draft opinion on the use of state-owned cell phones to make personal local calls when no landline is available. She noted that the draft opinion was presented to ethics advisors for input and the response was favorable.

Vice Chair Akana requested that language be added under Analysis to clarify that the Board has recognized that limited use of state resources may be allowed "where no exception exists."

**Motion 06-005** Moved by Vice Chair Akana, seconded by Member Scarbrough:

**The Board approves AO 05-01, Use of State Resources/Cell Phones, as amended.**

The motion passed unanimously.

## **3. Motel travel rewards**

Ms. Harris also discussed an inquiry regarding motel travel rewards and whether state employees may earn the benefits while in state travel status for use at a later time. She noted that Advisory Opinion 03-03, Use of frequent flyer miles by state officers and employees, addresses similar benefits.

The Board requested a new FAQ which refers to AO 03-03 and includes motel/hotel, rental cars and similar travel benefits.

## **C. Rule Making-Public Hearing**

### **1. Amend WAC 292-100-007 Definitions**

Ms. Harris presented proposed language amending WAC 292-100-007 to include the definition of "Lobbying."

No public testimony was offered.

**Motion 06-006** Moved by Member Golberg, seconded by Chair Zellinsky:

**The Board adopts proposed language for WAC 292-100-007 Definitions, as presented.**

The motion passed unanimously.

**2. Amend WAC 292-130-030 Operations and procedures**

Ms. Harris also presented proposed language amending WAC 292-130-030 to specify dates and times of regular Board meetings.

No public testimony was offered.

**Motion 06-007** Moved by Member Scarbrough, seconded by Chair Zellinsky:

**The Board adopts proposed language for WAC 292-130-030 Operations and procedures, as presented.**

The motion passed unanimously.

**D. Policy Reviews**

**1. Sentencing Guidelines Commission---Use of Internet**

Ms. Harris provided a policy submitted by the Sentencing Guidelines Commission on internet use.

**Motion 06-008** Moved by Member Scarbrough, seconded by Chair Zellinsky:

**The Board approves the Sentencing Guidelines Commission policy on Use of Internet as presented.**

The motion passed unanimously.

**2. Sentencing Guidelines Commission---Use of State Resources**

Ms. Harris also presented the Sentencing Guidelines Commission policy on the use of state resources.

**Motion 06-009** Moved by Member Golberg, seconded by Member Scarbrough:

**The Board approves the Sentencing Guidelines Commission policy on Use of State Resources as presented.**

The motion passed unanimously.

**3. Washington State Parks and Recreation---Housing**

Ms. Harris introduced Melanie Watness and Steve Brand from Washington State Parks and Recreation. She also provided a draft policy on housing. Ms. Watness

and Mr. Brand discussed whether or not lawn mowing around agency housing on park property may be done using state resources by park staff.

The Board determined that the policy should be amended to clarify that lawn mowing is custodial and is permissible.

**Motion 06-010** Moved by Member Scarbrough, seconded by Chair Zellinsky:

**The Board approves Washington State Parks and Recreation policy on Housing as amended.**

The motion passed unanimously.

## **E. Staff Reports**

### **1. Executive Director's Report**

Ms. Harris reported on amendments to Board policy to clarify executive and closed session and discussed the different functions for each session.

**Motion 06-011** Moved by Member Golberg, seconded by Chair Zellinsky:

**The Board approves Policy 1.8 Execution Session and Policy 1.9 Closed Session.**

The motion passed unanimously.

Ms. Harris also reported on training conducted by staff for the Office of Financial Management, Walla Walla College and the Attorney General's Conference. She added that she is working with the Department of Personnel to offer Ethics Training in their curriculum.

### **2. Other Staff Reports**

No other staff reports were given.

## **F. Public Comment/Board Member Comments**

Carol Wiley briefly addressed the Board regarding complaints she filed against numerous people. The Board members thanked Ms. Wiley for her comments.

## **G. Proposed Stipulation and Orders**

### **1. EEB Case No. 03-024 (Ince)**

Ms. Harris briefed the Board on the proposed stipulation and order. Ms. Ince agreed that she violated RCW 42.52.160 and RCW 42.52.190(2) when she used her state computer to respond and seek participation of others regarding political

issues, including lobbying the legislature on union matters. The Board's deliberation on the proposal was deferred until closed session.

#### **H. Executive or Closed Session**

At 10:45 a.m. the Board moved into Closed Session to deliberate and to receive and evaluate complaints against state employees and officers. At 12:45 p.m. the Board came back into regular session and announced it had accepted the stipulation in its entirety in the Ince matter.

#### **I. Miscellaneous Matters/Adjournment**

There being no miscellaneous matters, the meeting was adjourned at 12:46 p.m.